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09/755,591	01/05/2001	Stewart Harris	CF/012	3838

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3691

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,591

Applicant(s)

HARRIS ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9, 10, 12-15, 20, 21, 24, 25 and 27-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-10, 12-15, 20-21, 24-25, and 27-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Response to Amendment

Claims 1-4, 9-10, 12-15, 20-21, 24-25, and 27-56 are pending. This action is in response to the amendment received August 21, 2006.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 9-10, 12-15, 20-21, 24-25, and 27-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 9-10, 12-15, 20-21, 24-25, and 27-56 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-4, 9-10, 12-15, 20-21, 24-25, and 27-56 have been amended to recited "suspending trading for the counterparty with all other counterparties with which the counterparty may trade when the accumulated position for the counterparty exceeds the trading limit" which does not appear to be in the originally filed specification. Thus, the

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recitation must be treated as "new matter". However, if the applicant does not believe that this subject matter is "new matter", an appropriate explanation is required including pointing out where support for this subject matter can be found in the origin specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-4, 9-10, 12-15, 20-21, 24-25, and 27-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over May (US 6,317,727) in view of Wiseman (US 5,168,446).

Re claims **1** and **12**, May teaches a method comprising:

receiving trade information relating to trades entered into by the counterparty
(col.5, lines 32-37);

accumulating values of trades by a counterparty to obtain an accumulated position for the counterparty (1, line 65 to col., 2, line 5; col. 46, lines 14-29);

comparing the accumulated position for the counterparty with a trading limit assigned against the counterparty (col. 2, lines 27-39; col. 47, lines 39-50). *In other words, May discloses monitoring credit risks in electronic trading systems. He discloses a credit monitoring system that forms a complex check to determine if two particular counterparties will accept each other for a particular trade based upon their respective predefined credit*

preference. His system is a computer readable program code for evaluating the first and second credit preferences with respect to a trade of counterparties.

However, May does not explicitly teach suspending trading for the counterparty with all other counterparties with which the counterparty may trade when the accumulated position for the counterparty exceeds the trading limit. On the other hand, Wiseman specifically discloses suspending trading for the counterparty with all other counterparties with which the counterparty may trade when the accumulated position for the counterparty exceeds the trading limit when he discloses the system suspends trading (col. 17, line 65 to col. 18, line 42; figs. 7a-7b). Wiseman displays a system has the slate that permits the operator to change the active quadrant, or to suspend trading and alter the Trader's Profile or review completed transactions. He additionally discloses the counterparty then may enter bid and offer amounts corresponding to the prices at which he is willing to buy and sell the commodity. The counterparty can also enter an amount on which the quoted price is based, if the trader failed to do so, or the counterparty can change the amount that the trader transmitted with the quote request. The counterparty then transmits the quote to the trading party. Thus, it would have been obvious to one of ordinary skill in the art to enable trading for the counterparty when counterparty and other counterparties exceeds one trading limit due to credit limits to temporary suspend a trade as discloses in Wiseman.

Re claims **2** and **13**, May teaches adjusting the accumulated position for the counterparty based upon at least one of: a trade that cleared and a trade that failed to clear (col. 2, lines 27-39; col. 3, lines 32-53; col. 46, lines 14-29).

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Re claims **3** and **14**, May teaches accumulates the values of the trades by the counterparty based upon long-bond-equivalents (col. 17, lines 17-47; col. 18, lines 3-13; col. 19, line 59 to col. 20, line 18; col. 23, lines 1-26; col. 41, lines 1-28; col. 43, lines 15-42; col. 45, lines 39-45).

Re claims **4** and **15**, May teaches accumulates the values of the trades for the parent entity based upon long-bond-equivalents (col. 46, lines 14-43).

Re claims **9** and **20**, Wiseman teaches causing a message to be sent when trading for the counterparty has been suspended (col. 24, lines 5-66).

Re claims **10** and **21**, May teaches comparing the accumulated position for the counterparty with a trading warning level; and causing a message to be sent when the accumulated position for the counterparty exceeds the trading warning level (col. 46, lines 30-60).

Re claims **24-25** and **27-28**, Wiseman teaches suspending trading for the counterparty comprises disabling/shutting off an ability of the counterparty to trade (col. 25, line 50 to col. 26, line 45).

Re claims **29-56**, May and Wiseman teach a method as claimed in claims 1-4, 9-10, 12-15, 20-21, 24-25, and 27-28. Therefore the rationale applied in the rejection of claims 1-4, 9-10, 12-15, 20-21, 24-25, and 27-28 applies herein. Furthermore, May discloses a cash bonds, a gross position, and a net position when he discloses the exchange of bonds relating to a spread trade, the gross counterparty credit limit, and listed the net positions (figs. 5, 10, 20-21, and 23).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

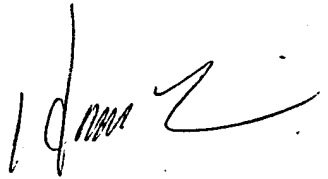
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
10/30/2006



HANI M. KAZIMI
PRIMARY EXAMINER